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8 UNITED STATES DISTRICT COURT  
9  
DISTRICT OF NEVADA

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11  
12 UNITED STATES OF AMERICA,  
13 Plaintiff,

14 vs.

15 PAUL WEXLER,

16 Defendant.

2:12-cr-00060-MMD-VCF

MOTION FOR ORDER DIRECTING  
PAYMENT OF TRANSPORTATION  
EXPENSES

17 COMES NOW the defendant, PAUL WEXLER, by and through counsel, William  
18 Carrico, Assistant Federal Public Defender, and moves this Honorable Court for its order directing  
19 the United States Marshal to pay subsistence and travel expenses necessary for the defendant to  
20 travel from Tigard, Oregon to U.S. District Court of Las Vegas, Nevada on or before Wednesday,  
21 January 30, 2013, to appear in court in the above-entitled matter for the purpose of Sentencing  
22 hearing at 9:30 a.m., before Judge Miranda M. Du. It is further requested that the Defendant be  
23 permitted to contribute the cost of a return flight at the same time so as to take advantage of the  
24 reduced rate paid for travel by the government.

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1                   This Motion is authorized by Title 42, United States Code, Section 4285, Title 18,  
2 United States Code, Section 3142 and the authority given to any judge, or magistrate judge, to  
3 consider the interests of justice in administering the proceeding before it.

4                   DATED this 14<sup>th</sup> day of January, 2013.

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6                   RENE L. VALLADARES  
Federal Public Defender

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8                   By /s/ William Carrico  
WILLIAM CARRICO  
9 Assistant Federal Public Defender  
Counsel for Paul Wexler  
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1                   **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF**  
2                   **MOTION FOR ORDER DIRECTING PAYMENT OF TRANSPORTATION EXPENSES**

3                   Pursuant to 18 U.S.C. §4285, any United States judge or magistrate may direct the  
4                   United States Marshal to arrange for the payment of the subsistence and travel expenses of a  
5                   defendant who has been released on bail in accordance with Title 18 U.S.C. §3142. This procedure  
6                   anticipates that although the Defendant may not live in the jurisdiction, it may be necessary for an  
7                   indigent defendant, such as Mr. Wexler, to make a subsequent appearance in court. The statutes  
8                   provide the means necessary to insure that appearance.

9                   The Defendant is obligated to appear for sentencing at a time and place convenient  
10                  to the Court. He is indigent, and cannot afford the cost of travel to and from his home in Tigard,  
11                  Oregon. Mr. Wexler lives with his 81 year old mother. He was dismissed from his last employment  
12                  as a result of his arrest in this case. He requires five medications daily, and he lacks health  
13                  insurance. In addition, he suffers from chronic bronchitis and seasonal allergies. It has been  
14                  determined that the defendant qualifies for the appointment of counsel pursuant to 18 U.S.C. §  
15                  3006A.

16                  Defendant, has informed his counsel that he does not have any funds in a bank  
17                  account or otherwise. Because of his lack of funds, the defendant will be unable to pay for his travel  
18                  unless this Court directs the United States Marshal to pay his necessary travel and subsistence  
19                  expenses. Although the Statutes do not specifically authorize the expenditure of funds for the  
20                  Defendant to travel back to his home, it is accepted practice to permit the purchase of a return flight,  
21                  at the government rate, if the Defendant is not to be remanded to custody. It is not anticipated that  
22                  the government will request that he be remanded.

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1                   The interests of justice would be served by a finding that the defendant is financially  
2 unable to provide the necessary transportation to appear in Court.

3                   DATED this 14<sup>th</sup> day January, 2012.

4   Respectfully submitted,

5   RENE L. VALLADARES  
6   Federal Public Defender

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8   By /s/ William Carrico  
9   WILLIAM CARRICO  
10    Assistant Federal Public Defender  
11    Counsel for Paul Wexler  
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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

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4 UNITED STATES OF AMERICA,

2:12-cr-00060-MMD-VCF

5 Plaintiff,

ORDER DIRECTING PAYMENT OF  
TRANSPORTATION EXPENSES

6 vs.

7 PAUL WEXLER,

8 Defendant.

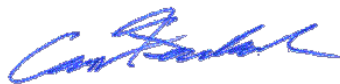
9 On the motion of defendant , made pursuant to 18 U.S.C. §4285, and good cause  
10 appearing therefor,

11 IT IS HEREBY ORDERED that the United States Marshal shall arrange for the  
12 defendant's non custodial transportation, or furnish the fare for such transportation, from Tigard,  
13 Oregon to U.S. District Court, District of Nevada (Las Vegas), on or before Wednesday, January 30,  
14 2013, to appear in court in the above-entitled matter for the purpose of Sentencing hearing on the  
15 above-captioned matter, at 9:30 a.m., before Judge Miranda M. Du.

16 The reimbursement shall be made in the form of cash, United States Money Order, or cashier's  
17 check.

18 IT IS FURTHER ORDERED that the United States Marshal shall furnish the  
19 defendant with an amount of money for necessary subsistence expenses while en route to his  
20 destination, not to exceed the amount authorized as a per diem allowance for travel expenses under  
21 5 U.S.C. §5702(a).

22 DATED this 16 of January, 2013.

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26 UNITED STATES MAGISTRATE JUDGE